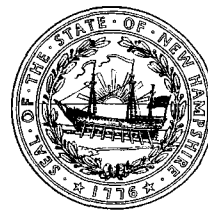




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

May 23, 2005

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

New Hampshire Ball Bearings, Inc.
Astro Division
155 Lexington Drive
Laconia, NH 03246

Attn: Richard Bardellini, Operations Manager

Re: New Hampshire Ball Bearings, Inc.
Astro Division
Laconia, New Hampshire
EPA ID # NHD018925735

Dear Mr. Bardellini:

On February 17, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of New Hampshire Ball Bearings, Inc., Astro Division ("NHBB") in Laconia, NH. The purpose of the inspection was to determine NHBB's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, NHBB was handling and manifesting wastewater treatment sludge as an F006 hazardous waste; however, no electroplating operations were identified during the inspection.

Env-Wm 402.06(a) defines the generic industrial process waste, identified by EPA waste number F006, as "wastewater treatment sludges from electroplating operations..."

In addition to handling its wastewater treatment sludge as an F006 hazardous waste, NHBB was handling and manifesting its acid passivation/metallurgical lab waste as an F002, D002 hazardous waste; however, no operations utilizing F002 halogenated solvents were identified during the inspection.

Env-Wm 402.06(a) defines the generic industrial process waste, identified by EPA waste number F002, as "The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1, 1, 1-trichloroethane, chlorobenzene, 1, 1, 2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane, and 1,1,2- trichloroethane..."

Furthermore, analytical testing results (dated December 6, 2002), provided to DES during the inspection, indicate that in addition to exhibiting the characteristic of corrosivity (D002), the acid passivation waste exhibits the hazardous waste characteristic of toxicity due to a concentration of cadmium (D006) greater than 1.0 mg/L and a concentration of chromium (D007) greater than 5.0 mg/L.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules. This includes documenting appropriate EPA and/or state waste codes for hazardous waste disposal shipments.

DES requested that NHBB perform adequate hazardous waste determinations for its wastewater treatment sludge and acid passivation/metallurgical lab wastes.

In a February 24, 2005 email, Steve Dalton, Environmental Safety and Health Director, stated "Analysis of our wastewater treatment sludge indicates that it does not exhibit a characteristic of a hazardous waste, and as we discussed with you at the time of your inspection, the sludge is not a listed waste, as the process contributing to the wastewater treatment system do not include electroplating." In addition, Steve Dalton provided a corrected characterization report adding the toxicity waste codes for cadmium (D006) and chromium (D007) to the passivation waste profile; Steve Dalton also stated that NHBB does not anticipate the continued use of the F002 waste code. No further action is required.

2. Env-Wm 507.01(a)(3) – Storage Requirements

At the time of the inspection, one (1) satellite container of hazardous waste sodium hydroxide stored in the metallurgical laboratory was not closed. See the attached Hazardous Waste Container Inventory ("Inventory").

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requested NHBB to ensure that containers storing hazardous waste remain closed at all times, except when adding waste to or removing waste from the containers.

On February 18, 2005, Robert Bishop, DES Waste Management Specialist III, visually verified that the satellite container of hazardous waste sodium hydroxide stored in the metallurgical laboratory had been closed. No further action is required.

3. Env-Wm 507.03(a)(1)a.- Beginning Accumulation Date

At the time of the inspection, DES personnel observed two (2) "lab pack" containers of hazardous waste, stored in the main hazardous waste storage area that were not marked with beginning accumulation dates (see the attached Inventory).

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste to be marked with the beginning accumulation date at the time they are first used to store hazardous wastes.

DES requested that NHBB properly mark all containers of hazardous waste with the beginning accumulation date at the time they are first used to store hazardous waste.

On February 18, 2005, Robert Bishop visually verified that the lab pack containers had been labeled and dated. No further action is required.

4. Env-Wm 507.03(a)(1)b. & d.- Labeling Requirements

At the time of the inspection, the two (2) "lab pack" containers of hazardous waste, stored in the main hazardous waste storage area were not marked with the words "hazardous waste," and the EPA or state waste number (see the attached Inventory).

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the words "hazardous waste," words that identify the contents, and the EPA or state waste number at the time they are first used to store hazardous wastes.

DES requested that NHBB properly mark all containers of hazardous waste with the words "hazardous waste," words that identify the contents, and the EPA or state waste number at the time they are first used to store waste.

On February 18, 2005, Robert Bishop visually verified that the lab pack containers had been labeled and dated appropriately. No further action is required.

5. Env-Wm 509.02(a)(5)- Contingency Plan

A review of NHBB's contingency plan revealed that it failed to provide the home addresses of the emergency coordinators.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that NHBB revise and update its contingency plan to include the home addresses of the emergency coordinators.

In a March 10, 2005 submittal, Steve Dalton provided updated pages of the integrated contingency plan for the NHBB Astro Division facility. No further action is required.

6. Env-Wm 509.03 – Satellite Storage

At the time of the inspection, NHBB was handling one (1) 55-gallon container of “acid passivation waste” (F002, D002) located in the main storage area as a satellite storage container. The location of this container did not meet the definition of “at or near the point of generation.”

Env-Wm 509.03 requires that all satellite storage containers be located at or near any point of generation where the wastes initially accumulate and be under the control of the operator of the process generating the waste.

DES requested that NHBB manage the container of hazardous “acid passivation waste” located in the main storage area according to the requirements of Env-Wm 509.02 (i.e., full storage area regulations). Alternatively, NHBB was given the option of managing the container at the point of generation according to the requirements of Env-Wm 509.03.

In the February 24, 2005 email, Steve Dalton stated that the acid passivation waste “will be managed in accordance with the 90-day provisions of Env-Wm 507.02(a). Satellite accumulation will not be used for the passivation waste stream.” No further action is required.

7. Env-Wm 807.06(b)(7) – Standards for Generators of Used Oil

At the time of the inspection, NHBB had not completed a used oil determination for its “evaporator sludge” that was being managed as a “used oil for recycle.”

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB’s if no source of PCB’s is present).

DES requested that NHBB conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03; and provide the results of the used oil determination to DES.

In an April 8, 2005 email, Steve Dalton provided the analytical testing results from an initial used oil determination analysis performed on the evaporator sludge. No further action is required.

8. Env-Wm 1102.03, Env-Wm 1111.04, and Env-Wm 1112.04 - Universal Waste Management, Labeling Requirement

At the time of the inspection, one (1) container of universal waste mercury devices was not marked with the words "Universal Waste - Mercury-Containing Device(s)," "Waste Mercury-Containing Device(s)," or "Used Mercury-Containing Device(s)" (see the attached Inventory).

Env-Wm 1111.04 requires universal waste handlers of mercury containing devices to ensure each universal waste mercury containing device or container(s) holding universal waste mercury containing devices is clearly labeled or marked with any of the following: "Universal Waste - Mercury-Containing Device(s)," "Waste Mercury-Containing Device(s)," or "Used Mercury-Containing Device(s)."

In addition to the universal waste mercury devices, the eight (8) containers of universal waste lamps were not marked with the words "Universal Waste - Lamps", "Waste Lamp(s)," or "Used Lamp(s)" (see the attached Inventory).

Env-Wm 1112.04 requires universal waste handlers of lamps to ensure each universal waste lamp or container(s) holding universal waste lamps is clearly labeled or marked with any of the following: "Universal Waste - Lamps," "Waste Lamp(s)," or "Used Lamp(s)."

DES requested that NHBB clearly label or mark its universal waste lamps and universal waste mercury containing devices according to the requirements of Env-Wm 1112.04 and Env-Wm 1111.04, respectively.

On February 18, 2005, Robert Bishop visually verified that the one (1) container of universal waste mercury devices and the eight (8) containers of universal waste lamps had been labeled. No further action is required.

9. Env-Wm 1102.03(c) - Universal Waste Lamp Management

At the time of the inspection, eight (8) containers of universal waste lamps were not closed (see the attached Inventory).

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested NHBB to ensure that all containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

On February 18, 2005, Robert Bishop visually verified that the eight (8) universal waste lamp containers had been closed. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of documents that corroborate the corrective measures taken by NHBB to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, the Division currently maintains a Hazardous Waste Assistance Hotline which is available for the public to contact our knowledgeable staff of hazardous waste inspectors. The hazardous waste staff members are available to answer questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program, including the administrative plans and documents required under the Hazardous Waste Rules. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policies, regulatory interpretation letters and networking with other state or federal agencies to answer any questions at a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (1-866) HAZ-WAST (in-state only) or at (603) 271-2942.

New Hampshire Ball Bearings, Inc.
Astro Division
Notice of Past Violation
Page 7 of 7

DES

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, or Tod Leedberg RCRA Compliance Supervisor, at 271-2942. Thank you for your cooperation.

Sincerely,

COPY

John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, WMD
Gretchen Hamel, Administrator, DES Legal Unit
Paul L. Heirtzler, P.E., Administrator, Waste Management Programs, WMD
Chris Rawnsley, Manager of Environmental Affairs, New Hampshire Ball Bearings, Inc., Astro Division,
155 Lexington Drive, Laconia, NH 03246
Bob Minicucci, Performance Track Coordinator, WMD

E-mail: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report